

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JOHN ROBERT DEMOS, JR.,

Plaintiff,

v.

CHERYL STRANGE, et al.,

Defendants.

CASE NO. 24-1878 BHS

ORDER

THIS MATTER is before the Court on Magistrate Judge Grady J. Leupold's Report and Recommendation (R&R), Dkt. 5, recommending the Court dismiss without prejudice and without leave to amend pro se prisoner plaintiff John Demos's proposed complaint, Dkt. 1, and deny Demos's motions to "set the record straight," Dkt. 3, and to supplement the pleadings and for the appointment of counsel, Dkt. 4.

A district court "shall make a de novo determination of those portions of the report or specified proposed finding or recommendations *to which objection is made.*" 28 U.S.C. § 636(b)(1)(C) (emphasis added); *accord* Fed. R. Civ. P. 72(b)(3). It must modify or set aside any portion of the order that is clearly erroneous or contrary to law. Fed. R. Civ. P. 72(a). The district judge may accept, reject, or modify the recommended

1 disposition; receive further evidence; or return the matter to the magistrate judge with  
2 instructions. Fed. R. Civ. P. 72(b)(3).

3 The Court must review the Magistrate Judge's findings and recommendations de  
4 novo *if objection is made*, but not otherwise." *United States v. Reyna-Tapia*, 328 F.3d  
5 1114, 1121 (9th Cir. 2003) (citing § 636(b)(1)(C)). A proper objection requires "specific  
6 written objections to the proposed findings and recommendations." Fed. R. Civ. P.  
7 72(b)(2).

8 Demos has not objected to the R&R, and its recommended dismissal is neither  
9 clearly erroneous nor contrary to law. The R&R is therefore **ADOPTED**. Demos's  
10 complaint is **DISMISSED** without prejudice and without leave to amend. His motions,  
11 Dkts 3 and 4, are **DENIED** as moot.

12 The Clerk shall enter a **JUDGMENT** and close the case.

13 **IT IS SO ORDERED.**

14 Dated this 7th day of January, 2025.

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17 BENJAMIN H. SETTLE  
18 United States District Judge  
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